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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No. 4002-2643

First Inventor Hai H. Trieu

Title INTERVERTEBRAL DISC NUCLEUS IMPLANTS AND METHODS

Express Mail Label No. EL 271152035US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. *Fee Transmittal Form (e.g., PTO/SB/17)
(submit an original and a duplicate for fee processing)

2. Applicant claims small entity status.

3. Specification [Total Pages 54]

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference sequence listing, a table, or a computer program listing appendix or computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. Drawing(s) (35 U.S.C. 113) [Total Sheets 26]
 Informal Formal

5. Oath or Declaration [Total Pages 3]

a. Newly executed (original or copy)

b. Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 18 completed)

i. **DELETION OF INVENTOR(S)**

Signed statement attached deleting inventor(s)
named in the prior application, see 37 C.F.R. §§
1.63(d)(2) and 1.33(b).

6. Application Data Sheet. See 37 CFR 1.76

Assistant Commissioner for Patents
ADDRESS TO: Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

- Computer Readable Form (CRF)
- Specification Sequence Listing on:
 - CD-ROM or CD-R (2 copies); or
 - paper
- Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))

10. 37 C.F.R. § 3.73(b) Statement
(when there is an assignee) Power of Attorney

11. English Translation Document (if applicable)

12. Information Disclosure
Statement (IDS)/PTO-1449 Copies of IDS
Citations

13. Preliminary Amendment

14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent.

17. Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

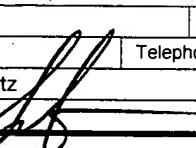
Continuation Divisional Continuation-in-part (CIP) of prior application No: 09/650,525 filed 8/30/00
Prior application information: Examiner: Not Yet Known Group / Art Unit: 3738

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS Customer Number or Bar Code Label

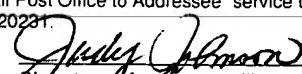
(Insert Customer No. or Attach bar code label here)

or Correspondence address below

| | | | | | |
|-------------------|---|-----------|-----------------------------------|----------|-----------------|
| Name | Jason J. Schwartz, Reg. No. 43,910 Woodard, Emhardt, Naughton, Moriarty and McNett | | | | |
| Address | Bank One Center/Tower 111 Monument Circle, Suite 3700 | | | | |
| City | Indianapolis | State | IN | Zip Code | 46204-5137 |
| Country | USA | Telephone | (317) 634-3456 | Fax | (317) 637-7561 |
| Name (Print/Type) | Jason J. Schwartz | | Registration No. (Attorney/Agent) | | 43,910 |
| Signature |  | | Date | | August 30, 2001 |

Express Mail Label Number EL 271152035US**Date of Deposit August 30, 2001**

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington DC 20231.



Signature of person mailing paper or fee

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

Complete if Known

| | |
|----------------------|-----------------|
| Application Number | |
| Filing Date | August 30, 2001 |
| First Named Inventor | Hai H. Trieu |
| Group Art Unit | |
| Examiner Name | |

Total Amount of Payment (\$2,018)

Attorney Docket Number 4002-2643

METHOD OF PAYMENT

FEE CALCULATION (continued)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

23-3030

Deposit Account Number
Deposit Account Name
Woodard, Emhardt, Naughton, Moriarty & McNett

Charge any Additional Fee Required
Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status.
See 37 CFR 1.27.

2. Payment Enclosed:

Check Credit Card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility Filing Fee | 710 |
| 106 | 320 | 206 | 160 | Design Filing Fee | |
| 107 | 490 | 207 | 245 | Plant Filing Fee | |
| 108 | 710 | 208 | 355 | Reissue Filing Fee | |
| 114 | 150 | 214 | 75 | Provisional Filing Fee | |
| | | | | SUBTOTAL (1) (\$) | 710 |

2. EXTRA CLAIM FEES

| Total Claims | 46 | -20** = | 26 | Extra Claims | Fee From Below | Fee Paid |
|--------------------|----|---------|----|--------------|----------------|----------|
| Independent Claims | 13 | -3** = | 10 | X | 18 | 468 |
| Multiple Dependent | | | | X | 80 | 800 |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------|-----------------|----------------|-----------------|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |
| | | | | SUBTOTAL (2) (\$) |

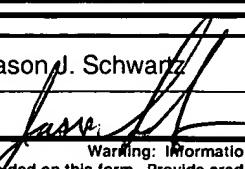
**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge – late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge – late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive – unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive – unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | 40 |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |
| | | | | Other Fee (specify) | |

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

| SUBMITTED BY | | Complete (if applicable) | | |
|-------------------|---|-----------------------------------|--------|--------------------------|
| Name (Print/Type) | Jason J. Schwartz | Registration No. (Attorney/Agent) | 43,910 | Telephone (317) 634-3456 |
| Signature |  | | Date | August 30, 2001 |

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. DNK-1998-047-PA-CIP:JJS:140391:jj

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